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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

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GUADALUPE URENO,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE; and  
DOES 1 through 100, Inclusive,

Defendants

Case No.:

**COMPLAINT FOR**

- 1. NEGLIGENCE**
- 2. PREMISES LIABILITY**

**DEMAND FOR JURY TRIAL**

Plaintiff GUADALUPE URENO (herein "Ureno"), by and through her counsel, hereby file her Complaint for Negligence and Premises Liability against Defendant, UNITED STATES POSTAL SERVICE, and alleges and states as follows:

**NATURE OF ACTION**

1. Plaintiff brings this civil action against Defendant seeking damages for negligence and premises liability.

2. On or about April 2, 2021, Plaintiff was exiting the premises, which was under the management, operation, and control of the United States Postal Service ("USPS"). Upon exiting the premises, Plaintiff slipped on a hazardous area of the threshold of the premises, fell, and sustained injury to her person.

3. The USPS maintains exclusive control over the premises, and through its agents, employees, and managers, failed to keep the premises free from hazards.

4. As a result of Plaintiff's injuries, she had to employ the use of hospitals, physicians, surgeons, and therapists to cure and/or relieve from the effects of the injuries sustained by her as a result of the negligence of the USPS.

### **JURISDICTION AND VENUE**

5. This Court has jurisdiction over the subject matter of this action pursuant to the Federal Tort Claims Act (June 25, 1946, ch. 646, Title IV, 60 Stat. 812, "28 U.S.C., Pt. VI Ch. 171" and 28 U.S.C. §1346(b) ("FTCA").

6. This Court has personal jurisdiction over all Defendants by virtue of their transacting, doing, and soliciting business in this District, and because a substantial part of the relevant events occurred in this District.

### **PARTIES**

7. Plaintiff, GUADALUPE URENO, is an individual residing in the County of Fresno, State of California.

8. On information and belief, Defendant UNITED STATES POSTAL SERVICE ("USPS") is an independent establishment of the executive branch of the Government of the United States under 29 U.S.C., §201 and is headquartered at 475 L'Enfant Plaza SW, Washington, D.C. 20260.

9. The true names and capacities, whether individual, corporate, or otherwise, of the Defendants sued as Doe 1 through 100 are unknown to Plaintiff, who, therefore, sues them by such fictitious names. At such time as their true names and capacities have been ascertained, Plaintiff will seek leave of court to amend this Complaint accordingly. On information and belief, Plaintiff alleges that each of Does 1 through 100 was the agent, representative, or employee of each of the other Defendants and was acting at all times within the scope of his/her agency or representative capacity, with the knowledge and consent of the other Defendants, and that each of Does 1 through 100 are liable to Plaintiff in connection with one or more of the claims sued upon here and are responsible in some manner for the wrongful acts and conduct alleged here.

### **EXHAUSTION OF REMEDIES**

10. Plaintiff has complied with the provisions of the FTCA in that on or about March 23, 2023, Plaintiff duly submitted a completed Standard Form 95 administrative claim for damages of \$395,000.00 on Defendant, USPS. The USPS received the claim form on or about March 27, 2023, which is less than two years from the date that the claims alleged in this case arose. A true and correct copy of said administrative claim is attached hereto as Exhibit "A" and incorporated herein by reference.

### **FACTUAL ALLEGATIONS**

11. Defendant USPS manages, operates, and has exclusive control over the premises located at 724 "O" Street, Sanger, CA. At all times herein, the premises is operated as a United States Post Office.

12. On or about April 2, 2021, Plaintiff was a customer, conducting business in the United States Post Office, in the City of Sanger, County of Fresno, State of California.

13. Upon leaving the Post Office premises, Plaintiff encountered a hazard and/or danger to the premises, wherein she slipped and fell, causing her to injure herself.

14. Plaintiff sustained, to wit: a broken wrist, swelling and injury to her hand and fingers, and other injuries to her person.

15. As a result of the injuries, Plaintiff was forced to employ doctors, therapists, surgeons, and hospitals to help alleviate her from the injuries she sustained.

### **FIRST CLAIM FOR RELIEF**

#### **(Negligence against all Defendants)**

16. Plaintiff incorporates by reference all of the allegations in Paragraphs 1 through 15 as if set forth in full herein.

17. On Or about April 2, 2021, Plaintiff visited the United States Post Office, operated by Defendant, USPS, located at 724 "O" Street, Sanger CA.

18. Plaintiff slipped exiting the Post Office. As a result, Plaintiff sustained a broken wrist, damage to her hand and fingers, and other injuries. Plaintiff had to undergo surgery to repair the broken wrist, and had to endure painful therapy in recovering from the surgery.

1 19. Defendant, USPS had a duty to maintain and operate their Post Office  
2 location in such a manner as to avoid causing injury to another person. They failed to do  
3 so.

4 20. Due to the failure of Defendant, USPS to maintain and operate their Post  
5 Office location in such a manner to avoid causing injury to another person, Plaintiff  
6 suffered injuries.

7 21. But for the negligence of Defendant, USPS, Plaintiff would not have suffered  
8 injuries.

9 22. The negligence of Defendant, USPS, was the proximate cause of the  
10 injuries suffered by Plaintiff.

11 23. As a direct and proximate result of the negligence of Defendant, USPS,  
12 Plaintiff has been damaged in the sum of \$395,000.00.

13 **SECOND CLAIM FOR RELIEF**

14 **(Premises Liability against all Defendants)**

15 24. Plaintiff incorporates by reference all the allegations of Paragraphs 1  
16 through 23, inclusive of this complaint as though set forth herein in full.

17 25. At all times mentioned in this Complaint, Defendant, USPS operated the  
18 Post Office located at 724 "O" Street, Sanger, California. Defendant, USPS invited the  
19 general public, including Plaintiff, to enter the premises of the Post Office and to purchase  
20 various stamps and other products offered for sale by the USPS, as well as conduct other  
21 business with the USPS.

22 26. While at the Post Office, on or about April 2, 2021, Plaintiff was injured when  
23 she slipped on a hazard (i.e., slipper flooring at the threshold of the premises), fell and  
24 injured herself.

25 27. Defendant USPS as the operators of the Post Office located at 724 "O"  
26 Street, Sanger, CA negligently:

- 27 a. Failed to maintain their flooring and keep it free from hazards;  
28 b. Failed to warn Plaintiff of the danger associated with the slipper flooring;

c. Failed to exercise due care with respect to the matters alleged in this  
Complaint

28. As a direct and proximate result of the negligence of Defendant USPS, on or  
about April 2, 2021, Plaintiff was injured when she slipped while exiting the premises, fell,  
and sustained injuries.

### JURY DEMAND

29. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby  
requests a jury trial.

### PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment against Defendant as follows:

#### FIRST CLAIM FOR RELIEF

1. For general damages in an amount according to proof.
2. For special damages in an amount according to proof.
3. For damages for loss of earnings in an amount according to proof.
4. For interest on said damages.
5. Costs of suit herein; and
6. Such other relief as the Court may deem just and proper.

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DATED: March 30, 2023

BONAKDAR LAW FIRM

  
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ROGER S. BONAKDAR

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